

Policy for Complaints

Date	Review Date	BoM	Co-Author
Sept 17	Sept 19	A Carter-Mepsted	Ellie Drake

We believe this policy relates to the following legislation:

- Local Government Act 1974
- Local Government Act 1988
- Education Act 1996
- School Standards and Framework Act 1998
- Education Act 2002
- Education Act 2005
- Education and Skills Act 2008
- Apprenticeship, Skills, Children and Learning Act 2009
- Children, Schools and Families Act 2010
- Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008
- Education (Independent Schools Standards) Regulations 2010
- Education (non-maintained Special Schools) Regulations 2011
- School Admissions (Appeals Arrangements) (England) Regulations 2012

The following documentation is also related to this policy:

- Complaints About Ofsted: Raising Concerns and Making a Complaint about Ofsted (Ofsted)
- School Admission Appeals Code (DfE)

We believe that this school provides an excellent education and that the School Principal and school personnel work very hard to build positive relationships and have in place clear lines of communication with all parents and others. In so doing complaints are kept to a minimum.

Summary

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

The Complaints Policy and Procedure provides the framework within which anyone who has experienced dissatisfaction with school services can raise their concerns, and the framework within which staff should deal with complaints from students, parents, customers, employers, contractors, local residents, visitors and others.

It does not replace school procedures for grievance and disciplinary action: those procedures should be used where appropriate.

However, we are aware that under section 29 of the Education Act 2002 we must have in place clear procedures to deal with any complaint made against the school or individuals connected with it. We take any complaint seriously and we deal with them professionally following set procedures.

We are aware that under the Education Act 1996 parents have the right to complain directly to the Local Authority about any matter relating to the school's curriculum and any issue relating to the general education that we provide.

We have a duty to publish the complaints policy in the school handbook and on the school website with hard copies available from the school office.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To deal with any complaint against the school or any individual connected with it by following the correct procedures.
- To deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant.
- To work with other schools and the Local Authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

The Board of Management has:

- a duty to have in place a complaints procedure;
- delegated powers and responsibilities to the School Principal to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- responsibility of annually discussing the complaints log with the School Principal;
- in place a self-evaluation process to monitor the way complaints are dealt with;
- responsibility of taking into account any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- make effective use of relevant research and information to improve this policy;
- responsibility for the effective implementation, monitoring and evaluation of this policy

The School Principal will:

- log all complaints received by the school and records how they were resolved;
- discuss the complaints log every year with the Board of Trustees;
- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- make effective use of relevant research and information to improve this policy;
- monitor the effectiveness of this policy;
- annually report to the Board of Trustees on the success and development of this policy.

Complaint Procedure

STAGE ONE – PRINCIPAL/INVESTIGATING BOARD OF MANAGEMENT MEMBER

The complainant should write to the School Principal, unless the complaint relates to the School Principal, in which case the complainant should write directly to the Board of Management who will nominate an investigating member to carry out an investigation.

The School Principal/Investigating Member will provide an initial formal response to the complainant within 5 working days acknowledging the complaint and advising the complainant of the complaints procedure. S/he will investigate the complaint and:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

The School Principal/Investigating Member will conclude investigations within 10 working days and respond in writing to the complainant to either:

- Dismiss the complaint as unfounded, giving reasons
- Propose an amicable settlement
- Uphold or partially uphold the complaint, offer an apology, take appropriate steps to address the issue and to avoid a similar problem arising in future
- Advise the complainant what to do next if they are not satisfied with the outcome

If the complainant is not satisfied that his/her complaint has been satisfactorily resolved, s/he should inform the Board of Management in writing as soon as possible.

STAGE TWO – BOARD OF MANAGEMENT

The Board of Management will write to the complainant within five working days of receiving the complainant's letter confirming the invocation of Stage Two of the Complaints Procedure.

It is not expected that the Board of Management will conduct another investigation; their role is to ensure that the complaint has been heard and dealt with properly and fairly. They will review the investigation and evidence and communicate their findings to the complainant within one month.

The Board of Management will respond in writing to the complainant to either:

- Confirm that the investigation is being reopened
- Uphold the findings at stage one
- Advise the complainant what to do next if they are not satisfied with the outcome

If the complainant is not satisfied with the outcome at Stage Two, s/he should inform the Board of Management in writing as soon as possible and the Board of Management will instigate the appeal process.

STAGE THREE - APPEAL

If the complainant is still not satisfied, a panel of three persons unconnected to the previous complaint and one person who is independent of the day to day management or running of the school will be convened to hear the complaint and make a final decision about it on behalf of the school management. Every effort should be made to assemble this panel within one month of the appeal request being received. The persons appointed to the panel must have had no previous involvement in the complaint.

The primary function of the complaints panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel should reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parents.

The panel should invite written evidence from the complainant and the Head teacher on the complaint and the action taken to resolve it. Any written evidence should be circulated to all parties before the hearing.

The complainant will be invited to attend the hearing and bring someone to accompany them if required. The School Principal and/or investigating member will also attend the hearing.

A suggested procedure for the hearing itself is as follows:

- Introduction by the chair of the panel
- Complainant makes statement of complaint and outcome sought
- Questions to complainant by panel
- All parties hear and question any witnesses called by complainant
- School Principal/Investigating member makes statement
- Questions to School Principal/Investigating member by panel
- All parties hear and question any witnesses called by School Principal/Investigating member
- Complainant makes final statement
- School Principal/Investigating member makes final statement
- Panel withdraws and reaches decision

Minutes will be taken for this appeal hearing and care should be taken in identifying a clerk. It may be appropriate for a member of staff such as the school administrator or the clerk to the board of management to act as clerk, although consideration should be given to the sensitivity of the particular complaint. It would not be appropriate for a board of management member to act as clerk.

The decision reached by the panel should be notified to the complainant and where relevant, the person complained about via email or letter within 10 working days of the appeal hearing. It should also be reported back to the next meeting of the board of management. It will also be made available for inspection on the school premises by the Trustees and the Head teacher. Only a brief summary should be provided with no detailed or named information; this will ensure that any further actions will not be jeopardised.

The panel can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of similar nature do not recur
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Written records will be kept of all complaints indicating whether they were resolved at the preliminary stage, or whether they proceeded to a panel hearing. The BOM will be informed of receipt of any written complaints and any recommendations for any policy/process changes will be considered and noted at the next BOM meeting.

FINDINGS AND RECOMMENDATIONS

A copy of the findings and recommendations for any complaint is available for inspection on the school premises by the proprietor

Formal Complaint to a Local Authority

- Once a request has been received then the Local Authority Complaints Officer will only investigate whether the school has followed correct procedures in dealing with complaints but will not investigate the complainant's original complaint.
- After the investigation the Complaints Officer will write formerly to the complainant.
- If the result is that the school did not follow correct procedures then the complaint will be referred back to the Chair of the Board of Trustees.
- If the result is that the school dealt with the complaint correctly then the Local Authority cannot make the school change its decision.
- The complainant may now wish to lodge an appeal with the Secretary of State for Education or with the Local Government Ombudsman.

Complaints regarding the Curriculum and General Educational Provision

All curriculum and general educational provision complaints will be dealt with by the Local Authority in line with their set complaints procedures.

Records, Reporting and Confidentiality

Complainants will be advised that while confidentiality will be respected as far as possible it is not normally possible to resolve complaints without disclosing details of a complaint to relevant staff in order to allow the School a fair opportunity to resolve the issue.

The School Principal should maintain a confidential record of complaints dealt with to feed into the School's quality improvement processes. The School Principal will maintain a record of all appeals and outcomes confidentially, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops
- school events
- meetings with school personnel
- communications with home such as end of term newsletters

Training

All school personnel will:

- have equal chances of training, career development and promotion
- receive training on this policy on induction
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed bi annually or when the need arises by the coordinator, the School Principal and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation).

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